

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

GERALD MARSHALL,	§	
<i>Petitioner,</i>	§	
	§	
v.	§	
	§	CIVIL NO. 4:14-CV-3438
LORIE DAVIS, Director,	§	(Death Penalty Case)
Texas Department of Criminal	§	
Justice, Correctional Institutions	§	
Division,	§	
<i>Respondent.</i>	§	

**RESPONDENT DAVIS'S UNOPPOSED THIRD MOTION
FOR EXTENSION OF TIME TO ANSWER**

Petitioner Gerald Marshall is a capially-sentenced Texas inmate who seeks federal habeas relief. *See generally* Amend. Pet. Writ Habeas Corpus, ECF No. 85. He filed his live habeas petition on February 28, 2020. *Id.* The Court granted the Director's second motion for extension of time. ECF Nos. 93–94. Thus, the Director's response is presently due July 13, 2020. ECF No. 94.

The Director respectfully requests an extension of sixteen-days. If the request is granted, the response will be due Wednesday, July 29, 2020. This is the Director's third extension request, and it is not sought for any improper purpose, including delay. As reflected in the certificate of conference, this extension request is not opposed. In support of the motion, the Director would show the following good cause.

First, while responding to Marshall's petition, the undersigned realized that additional records were needed to address Marshall's claims. The records have been received, but the undersigned has not had the opportunity to fully review them and incorporate them into the Director's response to Marshall's petition. In addition, the undersigned also recently returned to the Office of the Attorney General of Texas on December 16, 2019, from an active duty mobilization to Fort Hood, Texas. The undersigned just began handling a capital case load and is required to submit any responsive pleadings through a review process in advance of any filing.

Second, the undersigned represents both active duty and reserve Soldiers as defense counsel while serving as a Judge Advocate in the United States Army Reserve. The undersigned's service as defense counsel requires a significant expenditure of time in addition to the undersigned's role as an Assistant Attorney General. The undersigned's role as a Soldier in the Army Reserve has also become increasingly complicated due to the ongoing pandemic caused by COVID-19, requiring more time to adequately address the needs of clients and related duties. Further, the undersigned has two officer separation boards pending within the next thirty-days that will require him to be out of the office.

Third, the COVID-19 pandemic has caused substantial disruptions in both the undersigned's professional and personal life. The circumstances

related to the pandemic have presented an escalating series of impediments to the completion of a response to Marshall's answer. The above reasons have prevented the undersigned from finalizing a draft of the response to Marshall's petition.

CONCLUSION

For these reasons, the Director respectfully requests that the deadline to respond to Marshall's amended petition be extended to Wednesday, July 29, 2020.

Respectfully submitted,

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ATTORNEYS FOR RESPONDENT

CERTIFICATE OF CONFERENCE

I certify that I conferred with Marshall's counsel, Jeremy Schepers and Nicole DeBorde, about this motion and Ms. DeBorde stated that they are unopposed to this motion.

s/ Adham R. Bissar
ADHAM R. BISSAR
Assistant Attorney General

CERTIFICATE OF SERVICE

I do hereby certify that on July 6, 2020, I electronically filed the foregoing document with the Clerk of the Court for the U.S. District Court, Southern District of Texas, using the electronic case-filing system of the Court. The electronic case-filing system sent a "Notice of Electronic Filing" (NEF) to the following counsel of record, who consented in writing to accept the NEF as service of this document by electronic means:

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